

MONTANA LEGISLATIVE HISTORY

Chapter 249 19 79

Bill H _____ S 314

Original bill & history _____c

H. Committee on Local Gov.

Hearing Date(s) 3-6 ☒ c

_____ c

_____ c

_____ c

Date Out _____ c

S. Committee on Local Gov.

Hearing Date(s) 2-7 ☒ c

2-10 ☒ c

_____ c

_____ c

Did this bill originate in an interim committee? _____ Yes _____ No

Committee _____

Report _____

46 th LEGISLATIVE SESSION

COMMITTEE ON LOCAL GOVERNMENT -- SENATE BILLS

SENATE BILL NO.	ENTERED COMM.	DATE CONSIDERED	OUT OF COMM.	DO PASS DATE	DO NOT PASS DATE	DO PASS AS AMEND. DATE	BE CON- CURRED IN DATE	BE CONC. IN AS AMENDED DATE	BE NOT CON- CURRED IN DATE
SB 306	1-31	2-7;2-10	2-10	2-10					
SB 307	1-31	2-7	2-7	2-7					
SB 308	1-31	2-7	2-7	2-7					
SB 310	1-31	2-7	2-7	2-7					
SB 314	2-2	2-7;2-10	2-10			2-10			
SB 330	2-1	2-8;2-10	2-10			2-10			
SB 332	2-2	2-7	2-7	2-7					
SB 333	2-2	2-7	2-7	2-7					
SB 334	2-2	2-7	2-7	2-7					
SB 335	2-2	2-7	2-7	2-7					
SB 336	2-2	2-7	2-7			2-7			
SB 337	2-2	2-7;2-10	2-10	2-10					
SB 338	2-2	2-7	2-7	2-7					
SB 339	2-2	2-7	2-7	2-7					
SB 340	2-2	2-7;2-10	2-10			2-10			
SB 350	2-3	2-7;2-10	2-10	2-10					
SB 352	2-3	2-13;2-15	2-15			2-15			

1 *Senate* BILL NO. *314*
2 INTRODUCED BY *Conover*
3 BY REQUEST OF THE CODE COMMISSIONER
4
5 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE AND
6 CLARIFY THE LOCAL GOVERNMENT LAWS RELATING TO BUSINESS,
7 AGRICULTURE, AND LIVESTOCK SERVICES AND REGULATIONS AND TO
8 WEED AND PEST CONTROL; REPEALING SECTION 84-3205, R.C.M.
9 1947."
10
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
12 Section 1. Section 7-21-2103, MCA, is amended to read:
13 "7-21-2103. Determination of persons required to
14 obtain licenses -- classes of licenses. (1) The county
15 treasurer must make diligent inquiry as to all persons in
16 his county liable to pay the a license fee as provided in
17 this part.
18 (2) Where ~~Whenever~~ the ~~rate of license is~~ licenses are
19 divided into classes, the county treasurer must require each
20 person to state, under oath or affirmation, the probable
21 amount of business which he, the firm of which he is a
22 member or for which he is an agent or attorney, or the
23 association or corporation of which he is the president,
24 secretary, or managing agent will do in the next succeeding
25 3 months. Thereupon such person, agent, president,

1 secretary, or other officer must procure a license from the
2 county treasurer for the term desired and the proper class
3 ~~for which such party is liable to pay.~~ In all cases where an
4 underestimate has been made by the party applying, the party
5 making such ~~the~~ underestimate or the company he represented
6 is required to pay double the sum otherwise required for a
7 license for the next quarter."

8 Section 2. Section 7-21-2105, MCA, is amended to read:
9 "7-21-2105. Disbursement of license fees. (1) ~~At~~
10 ~~Unless the disposition is otherwise provided for, all~~ money
11 ~~collected by the county treasurer for licenses issued by the~~
12 ~~county under this chapter~~ must be paid into the treasury of
13 the county ~~in which the same is collected.~~

14 (2) ~~The Unless otherwise provided, the~~ county
15 treasurer shall retain 50% thereof for the use of the
16 county, ~~he shall~~ pay over 45% thereof to the state treasurer
17 for the use of the general fund of the state, and ~~he shall~~
18 pay over 5% thereof to the state treasurer for deposit in
19 the earmarked revenue fund to be used by the livestock
20 commission for predatory animal control."

21 Section 3. Section 7-21-2211, MCA, is amended to read:
22 "7-21-2211. Railway warehouse license. Each railway
23 company acting in the capacity of a warehouse for the
24 purpose of storing and distributing goods, ~~except any other~~
25 ~~than in~~ the capacity of a common carriers ~~carrier~~, shall

1 pay, in each county in which said the business may be is
2 carried on, a license of \$10 per quarter."

3 Section 4. Section 7-21-2401, MCA, is amended to read:

4 "7-21-2401. Definitions. As used in this part, unless
5 the context indicates otherwise, the following definitions
6 apply:

7 (1) ~~Within the meaning of this part, "temporary~~
8 ~~premises" shall be continued to include "Temporary premises"~~
9 means any hotel, roominghouse, storeroom, building or any
10 part of any building whatsoever, tent, vacant lot, freight
11 station, railroad car, automobile, truck, trailer or trailer
12 house, or any public or quasi-public place, temporarily
13 occupied for such business as described in subsection (2).

14 (2) ~~Within the meaning of this part, a "transient~~
15 ~~retail merchant" is "Transient retail merchant" means every~~
16 person, firm, or corporation acting for himself or itself or
17 representing any other person, firm, or corporation who or
18 which brings into temporary premises ~~into any county of~~
19 ~~this state~~, a stock of goods, wares, articles of
20 merchandise, notions, or other articles of trade and who or
21 which solicits, sells, offers to sell, or exhibits for sale
22 such stock of goods, wares, articles of merchandise,
23 notions, or other articles of trade at retail."

24 Section 5. Section 7-21-3401, MCA, is amended to read:

25 "7-21-3401. Authorization to create county fair

1 commission. (1) The board of county commissioners of--each
2 county--of--Montana may, at their any regular meeting in
3 December--in--1927, appoint from the electors of their
4 respective--counties the county five responsible persons to
5 constitute a county fair commission, three of said the
6 members to be appointed for a term of 2 years and two for a
7 term of 1 year and until their successors are appointed.

8 (2) ~~At the regular meeting in December--in--each~~ Each
9 year thereafter, the board of county commissioners of--each
10 county shall appoint members of the county fair commission
11 to succeed the members whose terms then expire."

12 Section 6. Section 7-21-3405, MCA, is amended to read:

13 "7-21-3405. Compensation of county fair commissioners.

14 (1) Each member of the commission ~~shall receive is entitled~~
15 ~~to~~ a salary of \$25 a year as compensation for his services,
16 ~~should~~ If the secretary of the county fair commission be is
17 a member of the commission, then his salary shall be fixed
18 by the commission in lieu of the salary of \$25 a year.

19 (2) In addition to the salary provided by subsection
20 (1), each commissioner may be allowed his actual and
21 necessary expenses while fulfilling the duties of his
22 office."

23 Section 7. Section 7-21-3421, MCA, is amended to read:

24 "7-21-3421. Authorization to create multicounty fair
25 district. (1) Two or more counties within the state,

1 constituting a contiguous territory, may group themselves
2 together and form a fair district.

3 (2) The board of county commissioners of any such
4 county, upon application from the regularly appointed county
5 fair board commission, may by resolution declare its
6 intention to join in and form a fair district."

7 Section 8. Section 7-21-3422, MCA, is amended to read:

8 "7-21-3422. Notice of intention to create fair
9 district -- hearing. Notice of the resolution of intent to
10 create a fair district shall be published in two regular
11 weekly issues of a newspaper in ~~such the~~ county, setting
12 forth the date on which a hearing shall be had on ~~said the~~
13 resolution by the taxpayers and residents of the county and
14 at which time objections will be heard ~~if there are any~~
15 ~~thereto.~~"

16 Section 9. Section 7-21-3423, MCA, is amended to read:

17 "7-21-3423. Decision by board of county commissioners.
18 After the consideration of the objections if there are any
19 ~~be--made~~, the county commissioners may authorize the county
20 fair board commission to join with any existing contiguous
21 district ~~and/or or to~~ form a fair district with counties in
22 contiguous territory."

23 Section 10. Section 7-21-3425, MCA, is amended to
24 read:

25 "7-21-3425. Board of directors of fair district. (1)

1 The ~~members~~ of the respective county fair boards commissions
2 of the counties forming a fair district ~~shall--ex--officio~~
3 constitute a board of directors for ~~said the~~ fair district.

4 (2) After a district has been formed and a county or
5 ~~counties--are~~ is added thereto, the members of the county
6 fair board ~~or-boards~~ commission of the county ~~or--counties~~
7 added to the fair district ~~shall~~ are likewise ~~be--ex--officio~~
8 members of the board of directors of ~~said the~~ fair
9 district."

10 Section 11. Section 7-21-3426, MCA, is amended to
11 read:

12 "7-21-3426. Organization of board and conduct of
13 business. (1) The board of directors shall meet at the place
14 of business, established under 7-21-3427, during the month
15 of December of each year and organize, electing a chairman,
16 vice-chairman, and secretary for the board.

17 (2) Such subsequent meetings shall be held as may be
18 found necessary for the conduct of the district fair.

19 (3) The board of directors shall have power to employ
20 a secretary, whom they may vest with managerial powers, and
21 they shall also appoint a treasurer. The office of secretary
22 may be combined with that of treasurer.

23 (4) ~~They~~ The board of directors shall see that:

24 (a) all records and accounts are properly kept,
25 supervised, and approved;

(b) proper vouchers evidence all disbursements of money; and

(c) the records are at all reasonable hours open to the taxpayers of the counties comprising the district public."

Section 12. Section 7-21-4201, MCA, is amended to read:

"7-21-4201. Regulation of certain activities. (1) The city or town council has power to may license, tax, and regulate:

(a) auctioneers, peddlers, pawnbrokers, and secondhand and junk shops;

(b) motor vehicles and motor vehicle bodies, except those on commercial property, which are not otherwise taxed;

(c) drivers, porters, pool halls, soft drink parlors, billiard tables, tenpin alleys, shooting galleries, shows, circuses, street parades, theatrical performances, and places of amusement within the city or town.

(2) The power to license, tax, and regulate circuses and shows of like character shall extend extends 3 miles beyond the limits of the city or town.

(3) in addition to the other powers vested in city governments, the the council of any city or town shall have power to make and pass may enact necessary ordinances providing for the licensings, taxation, and regulation of

soft drink establishments and all pool and billiard halls. Said the city and or town council shall have power to may regulate and limit the number of such licenses issued and to provide by ordinance that the total number of such licenses may not exceed the number fixed by the city or town council by ordinance."

Section 13. Section 7-22-2101, MCA, is amended to read:

"7-22-2101. Definitions. As used in this part, unless the context indicates otherwise, the following definitions apply:

(1) "Commissioners" means the board of county commissioners.

(2) "District" means the area included within the boundaries of any an organized weed control and weed seed extermination district.

(3) "Noxious weeds" or "weeds" means Canadian thistle (Cirsium arvense (L.) scop.), wild morning glory or bindweed (Convolvulus arvensis L.), whitetop (Lepidium draba L.), leafy spurge (Euphorbia virgata waldst. and kit.), Russian knapweed (Centaurea pleris pallas.), and such other weed--or weeds as may be defined and designated as a noxious weed weeds by the board of county commissioners of each county, subject to the approval of the county extension agent or agricultural experiment station at Montana state university.

(4) "Seed" or "seeds" means the seed of any noxious weed.

(5) "Supervisors" means the three persons appointed by the board of county commissioners to supervise the weed control and weed seed extermination within the county."

Section 14. Section 7-22-2103, MCA, is amended to read:

"7-22-2103. County weed board. (1) The board of county commissioners of each county shall appoint a county weed board consisting of three or five members, and:

(a) if a three-member board, two members shall be rural agricultural landowners residents within the county and one member shall be a teacher of biology or a person with comparable expertise; or

(b) if a five-member board, three members shall be rural agricultural landowners residents within the county, one from member shall be a resident of a city or town within the county, and one member shall be a teacher of biology or a person with comparable expertise.

(2) The county extension agent in each county shall be is an ex officio member of that county's weed board.

(3) Said the supervisors shall be are public officers."

Section 15. Section 7-22-2104, MCA, is amended to read:

"7-22-2104. Term of office. The members of the county weed board shall be appointed for a period of 1, 2, and 3 years, respectively, for a three member board, or should a five member board be selected, they shall be appointed for 1 and 2 year terms, respectively, dating from the preceding duty, and thereafter an appointment or reappointment shall be made annually by the board of county commissioners.

(1) Except as provided in subsection (2), a member of a county weed board serves a term of 3 years and until the qualification of his successor.

(2) When a three member weed board is established, the initial board members serve terms of 1, 2, and 3 years, respectively, as designated by the commissioners. When a five member weed board is established, two of the initial members serve terms of 1 year, two serve terms of 2 years, and one serves a term of 3 years. After expiration of an initial term of office, the successor serves a 3-year term as provided in subsection (1)."

Section 16. Section 7-22-2108, MCA, is amended to read:

"7-22-2108. Violations. (1) Any person who in any manner interferes with the weed control commissioners, the weed supervisor, or his supervisors or their deputies and employees in carrying out the provisions of this part or who refuses to obey an order of the a supervisor shall be is

1 guilty of a misdemeanor, and upon conviction thereof, he
2 shall be fined not to exceed ~~a sum of~~ \$100.

3 (2) All fines, bonds, and penalties collected under
4 the provisions of this part shall be paid to the county
5 treasurer of each county and placed by him to the credit of
6 the ~~a~~ fund to be known as the noxious weed fund."

7 Section 17. Section 7-22-2148, MCA, is amended to
8 read:

9 "7-22-2148. Tax liability for payment of weed control
10 expenses. (1) The expenses referred to in 7-22-2124 shall be
11 paid by the county out of the noxious weed fund, and unless
12 the ~~sum~~ to be repaid by the owner or occupant is not repaid
13 before ~~the succeeding~~ October 15 next--ensuing, the county
14 clerk shall certify the amount thereof, with the description
15 of ~~the premises land~~ to be charged, and shall extend ~~enter~~
16 the same ~~to on~~ the assessment list of the said county as a
17 special tax on ~~said the~~ land. If the land for any reason be
18 is exempt from general taxation, the amount of such charge
19 may be recovered by direct claim against the lessee and
20 collected in the same manner as personal taxes. When such
21 taxes ~~charges~~ are collected, they shall be credited to the
22 noxious weed fund.

23 (2) In determining what lands ~~shall-be are~~ included as
24 land covered by the special tax herein and ~~which--shall-be~~
25 ~~are~~ described in the certificate of the county clerk, it

1 ~~shall-be is~~ presumed that all work done upon any of the land
2 of any one landowner ~~shall-be is~~ for the benefit of all of
3 the land within the district belonging to such owner which
4 was contiguous to or ~~joining-the-piece-or~~ joined the parcel
5 upon which ~~such the~~ work was done at the time ~~such the~~ work
6 was done, together with the ~~piece-or~~ parcel upon which ~~such~~
7 ~~the~~ work was done, and the amount so certified ~~shall-become~~
8 ~~becomes~~ a tax upon the whole thereof."

9 Section 18. Section 7-22-2403, MCA, is amended to
10 read:

11 "7-22-2403. Petition to create mosquito control
12 district -- hearing required. (1) When a petition signed by
13 not less than 25% of the qualified electors of the proposed
14 district or 25% of the owners of any property within the
15 boundaries whose names appear as such property owners upon
16 the last-completed assessment roll of the county in which
17 the proposed district is situated is presented to the board
18 of commissioners of ~~such the~~ county, asking for the creation
19 of a mosquito control district, the commissioners shall set
20 a day for the ~~a~~ hearing of ~~on the same petition~~ and order
21 notice thereof ~~of the hearing~~ to be given to all persons
22 interested.

23 (2) The commissioners by resolution shall fix a time
24 for a hearing upon ~~said the~~ petition at not less than 2 or
25 more than 4 weeks from the time of presentation thereof

1 ~~unless additional time is needed to prepare a survey and~~
 2 ~~study as authorized by this subsection.~~ Before setting a
 3 time for hearing, the commissioners may cause a survey and
 4 study of the area sought to be included in such district to
 5 be made by competent personnel and may submit a report
 6 thereof to the department of health and environmental
 7 sciences for its review and recommendations."

8 Section 19. Section 7-22-2406, MCA, is amended to
 9 read:

10 "7-22-2406. Notice of hearing on petition to create
 11 district. (1) If addresses are known, the commissioners
 12 shall cause notice of the hearing provided for in 7-22-2403
 13 to be mailed to each nonresident owner of taxable real and
 14 personal property within the proposed district.

15 (2) The commissioners shall cause notice to be posted
 16 in three public places within the district. Where ~~Whenever~~
 17 the district is partly in one county and partly in another
 18 county, notice must be posted in each county but ~~posting~~
 19 ~~need not be~~ in three places in each county.

20 (3) The commissioners shall also cause notice to be
 21 given of the time and place of the hearing and ~~the~~ methods
 22 of objection by publication in a newspaper within or nearest
 23 ~~to~~ the district and, if the district is partly in one county
 24 and partly in another county, in a newspaper in each county,
 25 if such newspaper exists. The publication must be for two

1 weekly issues.

2 (4) Posting and first publication shall be at least 10
 3 days before the hearing."

4 Section 20. Section 7-22-2411, MCA, is amended to
 5 read:

6 "7-22-2411. District to be governed by appointed
 7 mosquito control board. (1) Upon the creation of any
 8 mosquito control district, the commissioners shall appoint a
 9 mosquito control board composed of not less than three or
 10 more than five members.

11 (2) Each member of the mosquito control board shall be
 12 an elector ~~and property owner~~ within the boundaries of the
 13 district ~~whose name appears as such property owner upon the~~
 14 ~~last completed assessment roll of the county in which said~~
 15 ~~district is situated.~~

16 (3) The board ~~shall be~~ is a body corporate and shall
 17 act as such, and the members ~~shall be~~ are public officers.

18 (4) The health officer having jurisdiction in the
 19 proposed district, the sanitarian or a member of his staff,
 20 and the county extension agent, if the county has any, or
 21 all such officers ~~shall be~~ are ex officio members of such
 22 ~~the~~ board without vote."

23 Section 21. Section 7-22-2446, MCA, is amended to
 24 read:

25 "7-22-2446. Hearing on petition for dissolution --

1 notice. Upon the filing of such a petition for dissolution,
2 the board of county commissioners shall set a time for
3 hearing the ~~same~~ petition and shall cause notice thereof to
4 be mailed to all nonresident property owners within the
5 district whose addresses are known, to be posted in at least
6 three public places within ~~said~~ the district, and to be
7 published at least once in the official newspaper of the
8 county published in the district, such ~~the~~ posting and
9 publication to be at least 10 days before ~~said~~ the date of
10 hearing. ~~If Whenever~~ the district is partly in one county
11 and partly in another county, notice must be posted in each
12 county, but ~~posting need~~ not ~~be~~ in three places in each
13 county, and notice must be published in the official
14 newspaper of each county."

15 Section 22. Repealer. Section 84-3205, R.C.M. 1947, is
16 repealed.

-End-

and freeholder requirements are deleted on various elections concerning financing of local government services.

CONSIDERATION OF SENATE BILL 314: Senator Max Conover, of Senate District 36, is the sponsor of Senate Bill 314. This bill is an act to generally revise and clarify the local government laws relating to business, agriculture, and livestock regulation and to weed and pest control. In Sections 8 and 11, participation in certain activities is extended to residents and the public. The Committee felt that weed boards deal with a problem that principally burdens the landowner and that the term "landowner", therefore, should be left in the bill.

CONSIDERATION OF SENATE BILL 338: Senator Bob Peterson, of Senate District 42, is the sponsor of Senate Bill 338. This bill is an act to generally revise and clarify the local government laws relating to general emergency and protective services, to law enforcement, to fire protection, and to cemetery services. The term "8th class counties" was eliminated. There are no longer any 8th class counties.

DISPOSITION OF SENATE BILL 307: A motion was made by Senator Thomas that Senate Bill 307 receive a "DO PASS" recommendation from the Committee. Motion carried.

DISPOSITION OF SENATE BILL 332: A motion was made by Senator Watt that Senate Bill 332 receive a "DO PASS" recommendation from the Committee. Motion carried.

DISPOSITION OF SENATE BILL 339: A motion was made by Senator Rasmussen that Senate Bill 339 be given a "DO PASS" recommendation from the Committee. Motion carried.

DISPOSITION OF SENATE BILL 310: A motion was made by Senator Watt that Senate Bill 310 be given a "DO PASS" recommendation from the Committee. Motion carried.

DISPOSITION OF SENATE BILL 305: A motion was made by Senator Watt that Senate Bill 305 receive a "DO PASS" recommendation from the Committee. Motion carried.

DISPOSITION OF SENATE BILL 335: A motion was made by Senator Peterson that Senate Bill 335 be given a "DO PASS" recommendation from the Committee. Motion carried.

DISPOSITION OF SENATE BILL 308: A motion was made by Senator Rasmussen that Senate Bill 308 receive a "DO PASS" recommendation from the Committee. Motion carried.

DISPOSITION OF SENATE BILL 334: A motion was made by Senator Watt that Senate Bill 334 be given a "DO PASS" recommendation from the Committee. Motion carried.

Sen. 100.7

ROLL CALL

LOCAL GOVERNMENT COMMITTEE

46th LEGISLATIVE SESSION - 1979

NAME	PRESENT	ABSENT	EXCUSED
GEORGE MCCALLUM, CHAIRMAN	✓		
LLOYD LOCKREN, VICE CHAIRMAN	✓		
MAX CONOVER	✓		
JESSE A. O'HARA	✓		
BOB PETERSON	✓		
A. T. (TOM) RASMUSSEN	✓		
PETE STORY	✓		
BILL THOMAS	✓		
ROBERT D. WATT	✓		

Each Day Attach to Minutes.

With no further proponents, Chairman McCallum called on the opponents.

Mr. R. Dean Zinnecher, representing the Montana Association of Counties, stated that he is confused by this bill and that it needs to be clarified, as some of the language is foggy.

Dan Mizner, representing the Montana League of Cities and Towns, stated that he had signed in as an opponent, however he is in favor of the amendment which would remove the city judges from the bill.

With no other further opponents, Senator McCallum called on Mr. Jensen to make the closing remarks. Mr. Jensen stated that he would hope that the Committee would give Senate Bill 256 a "DO PASS" recommendation.

Chairman McCallum then opened the meeting to a question and answer period from the Committee. Discussion was held, however, no action was taken at the time on Senate Bill 256.

DISPOSITION OF SENATE BILLS 306, 314, 337, 340, and 350:
A motion was made by Senator Lockrem that Senate Bills 306, 337, and 350 receive "DO PASS" recommendations from the Committee. Motion carried.

A motion was made by Senator Lockrem that Senate Bills 314 and 340 receive "DO PASS, as amended" recommendations from the Committee. Motion carried.

DISPOSITION OF SENATE BILL 47: This bill is in regard to building codes in the state.

Senator McCallum stated that statewide building codes were adopted two years ago by the Legislature. However, the state does not have enough building inspectors.

Senator Lockrem informed the Committee that this bill would take away double inspection in the state and remove one layer of bureaucracy.

Senator Story stated he objects to the expense to the people building the buildings.

A motion was made by Senator Lockrem that Mike Young's proposed amendment on page 8, line 4, be accepted. Motion carried.

Roll Call 10

ROLL CALL

LOCAL GOVERNMENT COMMITTEE

46th LEGISLATIVE SESSION - 1979

NAME	PRESENT	ABSENT	EXCUSED
GEORGE MCCALLUM, CHAIRMAN	✓		
LLOYD LOCKREN, VICE CHAIRMAN	✓		
MAX CONOVER			✓
JESSE A. O'HARA	✓		
BOB PETERSON			✓
A. T. (TOM) RASMUSSEN	✓		
PETE STORY	✓		
BILL THOMAS	✓		
ROBERT D. WATT	✓		

Each Day Attach to Minutes.

STANDING COMMITTEE REPORT

February 10 19 72

MR. President:

We, your committee on Local Government

having had under consideration Senate Bill No. 314

Respectfully report as follows: That Senate Bill No. 314,
introduced bill was passed as amended.

1. Page 9, line 12.
Following: "agricultural"
Strike: "residents"
Insert: "landowners"

2. Page 9, line 16.
Following: "agricultural"
Strike: "residents"
Insert: "landowners"

And, as so amended

DO PASS

LOCAL GOVERNMENT COMMITTEE

46th Legislature

Bill No.	Subject Matter	Date In	Sponsor	Hearing Date	Committee Action	Date Out
SB 224	Delete portions of process on awarding architectural services contracts	2/17/79	KOLSTAD	Saturday March 3 12:30 pm	BE NOT CONCURRED IN	3/15/79
SB 306	Clarify percentage limits on local government indebtedness	2/19/79	McCALLUM	Saturday March 3 12:30 pm	MOVED FROM COMMITTEE	
SB 314	Clarify laws on business, agriculture, livestock, weed and pest control and amend...	2/19/79	CONOVER	Tuesday March 6 12:30 pm	CONCURRED IN	3/6/79
SB 337	Clarify on improvement districts, and utility services...	2/19/79	CONOVER	Tuesday March 6 12:30 pm	CONCURRED IN	3/6/79
SB 350	Clarify on investment of sinking funds for general obligation bonds.	2/19/79	McCALLUM	Tuesday March 6 12:30 pm	CONCURRED IN	3/6/79
SB 340	Clarify on transportation, construction, culture, social services, recreation, ...	2/20/79	THOMAS	Tuesday March 6	CONCURRED IN	3/6/79

Senate Bill 334 (continued)

Senate Bill 334, sponsored by Senator O'Hara, deleting freeholder requirements in fire, hospital and cemetery districts:

Senate Bill 336, introduced by Senator Story, creating alternate forms of government:

Senate Bill 333, introduced by Senator Watt, also relating to alternative forms of local government:

Senate Bill 308, introduced by Senator Rasmussen, relating to city-county consolidation:

Senate Bill 335, introduced by Senator Lockrem, dealing with local government officers:

Senate Bill 305, introduced by Senator Watt, regarding conduct of business of local officers:

Senate Bill 310, introduced by Senator Story, regarding sovereign immunity of local governments:

Senate Bill 339, introduced by Senator Rasmussen, relating to financial administration and taxation in local governments:

Senate Bill 332, introduced by Senator Watt, dealing with debt management of local governments:

Senate Bill 350, introduced by Senator McCallum, dealing with forms of GO bonds and sinking funds:

Senate Bill 306, introduced by Senator McCallum, relating to percentage limits of indebtedness of local governments:

Senate Bill 307, introduced by Senator O'Hara, dealing with GO bond review:

Senate Bill 337, introduced by Senator Conover, regarding improvement districts:

Senate Bill 340, introduced by Senator Thomas, regarding transportation, construction, culture and social services departments of local governments:

Senate Bill 314, introduced by Senator Conover, relating to business, agriculture, livestock, weed and pest control districts:

Senate Bill 338, introduced by Senator Peterson, relating to emergency law enforcement and fire districts.

SENATE BILL 307: Mr. Wineberg explained this deals with the Attorney General's office reviewing bonds and issues of local governments. There were no questions by committee members. Hearing was then closed on Senate Bill 307.

SENATE BILL 337: Mr. Wineberg explained this bill deals with improvement districts and utility services. He stated there basically were no major changes. It did include the freeholder requirements and that change. There were no questions by committee members. Hearing was then closed on Senate Bill 337.

SENATE BILL 340: Larry Wineberg pointed out this bill had been amended by the Senate, page 10, section 13. He stated they had amended parking and parkway. These two words had been eliminated. This appeared to be the only change and hearing was then closed.

SENATE BILL 314: Mr. Wineberg stated this deals with the County Weed Board. It deals with land and agricultural landowners. He stated this would change to residents and would include freeholders. Mr. Wineberg further explained the Senate felt the Weed Board Commission was an agricultural district and should remain with the property owners. There were no questions from committee members and hearing was closed on Senate Bill 314.

SENATE BILL 338: Mr. Wineberg stated the committee should be aware of certain sections, pages 8 and 9, 20 and 40, 18 and 35. He stated this deals with certain exceptions and applications for law enforcement. There were no questions by committee members and hearing was closed on Senate Bill 338.

Chairman Robbins then announced that one bill had been referred to Taxation and inquired if the committee wished to take executive action on the remainder. They stated they did't.

Representative Bertelsen moved that Senate Bill 334 be concurred in. All voted "aye" except Representative Sales. Motion carried.

Representative Gould moved that Senate Bill 336 be concurred in. All voted "aye." Motion carried.

SENATE BILL 333: Representative Kemmis moved Senate Bill 333 be concurred in. All voted "aye." Motion carried.

Representative Waldron then moved that Senate Bill 333 be placed on the consent calendar. Vote was called. Motion did not pass. Senate Bill 333 was not able to be placed on the consent calendar.

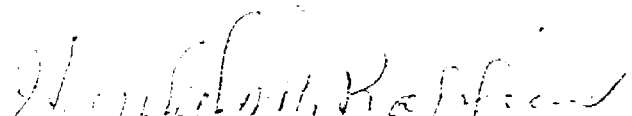
SENATE BILL 314: Representative Oberg moved that Senate Bill 314 be concurred in. All voted "aye." Motion carried.

SENATE BILL 338: Representative Kessler moved that Senate Bill 338 be concurred in. Vote was called. All voted "aye" and motion carried.

SENATE BILL 308: Representative Reichert moved that Senate Bill 308 do not be concurred in. She stated this was because this takes out petitions and this is the only way it would be possible for some groups to make their wishes known. She felt the voters did not wish to waive their right to use petitions and they may want to use this at some future time. It was felt there was no objection to this staying on the books even though no one was going to use it. Representative Reichert then stated that if it isn't hurting anyone, then the petition right should remain there. Vote was then called on the motion that Senate Bill 308 do not pass. All voted "aye." Motion carried.

Representative Robbins then assigned Representatives to carry the sixteen bills on the House floor.

There then being no further business to come before the committee, the meeting was duly adjourned.


HERSHEL M. ROBBINS, CHAIRMAN
LOCAL GOVERNMENT COMMITTEE

Patricia Hatfield
Secretary

SENATE BILL NO. 314

INTRODUCED BY CONOVER

BY REQUEST OF THE CODE COMMISSIONER

A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE AND CLARIFY THE LOCAL GOVERNMENT LAWS RELATING TO BUSINESS, AGRICULTURE, AND LIVESTOCK SERVICES AND REGULATIONS AND TO WEED AND PEST CONTROL; REPEALING SECTION 84-3205, R.C.M. 1947."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 7-21-2103, MCA, is amended to read:

"7-21-2103. Determination of persons required to obtain licenses -- classes of licenses. (1) The county treasurer must make diligent inquiry as to all persons in his county liable to pay the a license fee as provided in this part.

(2) Where ~~whenever~~ the rate-of-license-is licenses are divided into classes, the county treasurer must require each person to state, under oath or affirmation, the probable amount of business which he, the firm of which he is a member or for which he is an agent or attorney, or the association or corporation of which he is the president, secretary, or managing agent will do in the next succeeding 3 months. Thereupon such person, agent, president,

secretary, or other officer must procure a license from the county treasurer for the term desired and the proper class for-which-such-party-is-liable-to-pay. In all cases where an underestimate has been made by the party applying, the party making such the underestimate or the company he represented is required to pay double the sum otherwise required for a license for the next quarter."

Section 2. Section 7-21-2105, MCA, is amended to read:

"7-21-2105. Disbursement of license fees. (1) ~~At~~ Unless the disposition is otherwise provided for, all money collected by the county treasurer for licenses issued by the county under this chapter must be paid into the treasury of the county ~~in which the same is collected~~.

(2) ~~The~~ Unless otherwise provided, the county treasurer shall retain 50% thereof for the use of the county, ~~he shall~~ pay over 45% thereof to the state treasurer for the use of the general fund of the state, and ~~he shall~~ pay over 5% thereof to the state treasurer for deposit in the earmarked revenue fund to be used by the livestock commission for predatory animal control."

Section 3. Section 7-21-2211, MCA, is amended to read:

"7-21-2211. Railway warehouse license. Each railway company acting in the capacity of a warehouse for the purpose of storing and distributing goods, except any other than in the capacity of a common carriers carrier, shall

1 pay, in each county in which said ~~the~~ business may be is
2 carried on, a license of \$10 per quarter."

3 Section 4. Section 7-21-2401, MCA, is amended to read:

4 "7-21-2401. Definitions. As used in this part, unless
5 the context indicates otherwise, the following definitions
6 apply:

7 (1) ~~Within the meaning of this part, "temporary~~
8 ~~premises" shall be continued to include "Temporary premises"~~
9 ~~means~~ any hotel, roominghouse, storeroom, building or any
10 part of any building whatsoever, tent, vacant lot, freight
11 station, railroad car, automobile, truck, trailer or trailer
12 house, or any public or quasi-public place, temporarily
13 occupied for such business as described in subsection (2).

14 (2) ~~Within the meaning of this part, a "transient~~
15 ~~retail merchant" is "Transient retail merchant" means~~ every
16 person, firm, or corporation acting for himself or itself or
17 representing any other person, firm, or corporation who or
18 which brings into temporary premises ~~(into any county of~~
19 ~~this state)~~ a stock of goods, wares, articles of
20 merchandise, notions, or other articles of trade and who or
21 which solicits, sells, offers to sell, or exhibits for sale
22 such stock of goods, wares, articles of merchandise,
23 notions, or other articles of trade at retail."

24 Section 5. Section 7-21-3401, MCA, is amended to read:

25 "7-21-3401. Authorization to create county fair

1 commission. (1) The board of county commissioners of each
2 county of Montana may, at their any regular meeting in
3 December in 1927, appoint from the electors of their
4 respective counties the county five responsible persons to
5 constitute a county fair commission, three of said the
6 members to be appointed for a term of 2 years and two for a
7 term of 1 year and until their successors are appointed.

8 (2) ~~At the regular meeting in December in each~~ Each
9 year thereafter, the board of county commissioners of each
10 county shall appoint members of the county fair commission
11 to succeed the members whose terms then expire."

12 Section 6. Section 7-21-3405, MCA, is amended to read:

13 "7-21-3405. Compensation of county fair commissioners.

14 (1) Each member of the commission ~~shall receive is entitled~~
15 ~~to~~ a salary of \$25 a year as compensation for his services,
16 ~~should~~ if the secretary of the county fair commission be is
17 a member of the commission, then his salary shall be fixed
18 by the commission in lieu of the salary of \$25 a year.

19 (2) In addition to the salary provided by subsection
20 (1), each commissioner may be allowed his actual and
21 necessary expenses while fulfilling the duties of his
22 office."

23 Section 7. Section 7-21-3421, MCA, is amended to read:

24 "7-21-3421. Authorization to create multicounty fair
25 district. (1) Two or more counties within the state,

1 constituting a contiguous territory, may group themselves
2 together and form a fair district.

3 (2) The board of county commissioners of any such
4 county, upon application from the regularly appointed county
5 fair board commission, may by resolution declare its
6 intention to join in and form a fair district."

7 Section 8. Section 7-21-3422, MCA, is amended to read:

8 "7-21-3422. Notice of intention to create fair
9 district -- hearing. Notice of the resolution of intent to
10 create a fair district shall be published in two regular
11 weekly issues of a newspaper in such the county, setting
12 forth the date on which a hearing shall be had on said the
13 resolution by the taxpayers and residents of the county and
14 at which time objections will be heard if there are any
15 thereto."

16 Section 9. Section 7-21-3423, MCA, is amended to read:

17 "7-21-3423. Decision by board of county commissioners.
18 After the consideration of the objections if there are any
19 be--made, the county commissioners may authorize the county
20 fair board commission to join with any existing contiguous
21 district and/or or to form a fair district with counties in
22 contiguous territory."

23 Section 10. Section 7-21-3425, MCA, is amended to
24 read:

25 "7-21-3425. Board of directors of fair district. (1)

1 The members of the respective county fair boards commissions
2 of the counties forming a fair district shall--ex--officio
3 constitute a board of directors for said the fair district.

4 (2) After a district has been formed and a county or
5 counties--are is added thereto, the members of the county
6 fair board or-boards commission of the county or--counties
7 added to the fair district shall are likewise be-ex-officio
8 members of the board of directors of said the fair
9 district."

10 Section 11. Section 7-21-3426, MCA, is amended to
11 read:

12 "7-21-3426. Organization of board and conduct of
13 business. (1) The board of directors shall meet at the place
14 of business, established under 7-21-3427, during the month
15 of December of each year and organize, electing a chairman,
16 vice-chairman, and secretary for the board.

17 (2) Such subsequent meetings shall be held as may be
18 found necessary for the conduct of the district fair.

19 (3) The board of directors shall have power to employ
20 a secretary, whom they may vest with managerial powers, and
21 they shall also appoint a treasurer. The office of secretary
22 may be combined with that of treasurer.

23 (4) They The board of directors shall see that:

24 (a) all records and accounts are properly kept,
25 supervised, and approved;

1 (b) proper vouchers evidence all disbursements of
2 money; and

3 (c) the records are at all reasonable hours open to
4 the taxpayers--of--the--counties--comprising--the--district
5 public."

6 Section 12. Section 7-21-4201, MCA, is amended to
7 read:

8 "7-21-4201. Regulation of certain activities. (1) The
9 city or town council has power--to may license, tax, and
10 regulate:

11 (a) auctioneers, peddlers, pawnbrokers, and secondhand
12 and junk shops;

13 (b) motor vehicles and motor vehicle bodies, except
14 those on commercial property, which are not otherwise taxed;

15 (c) drivers, porters, pool-halls, soft-drink-porters,
16 billiard-tables, tenpin alleys, shooting galleries, shows,
17 circuses, street parades, theatrical performances, and
18 places of amusement within the city or town.

19 (2) The power to license, tax, and regulate circuses
20 and shows of like character shall--extend extends 3 miles
21 beyond the limits of the city or town.

22 (3) In--addition--to--the--other-powers-vested-in-city
23 governments--the the council of any city or town shall--have
24 power--to--make--and--pass may enact necessary ordinances
25 providing for the licensing, taxation, and regulation of

1 soft drink establishments and all pool and billiard halls.
2 Said the city and or town council shall--have--power--to may
3 regulate and limit the number of such licenses issued and to
4 provide by ordinance that the total number of such licenses
5 may not exceed the number fixed by the city or town council
6 by ordinance."

7 Section 13. Section 7-22-2101, MCA, is amended to
8 read:

9 "7-22-2101. Definitions. As used in this part, unless
10 the context indicates otherwise, the following definitions
11 apply:

12 (1) "Commissioners" means the board of county
13 commissioners.

14 (2) "District" means the area included within the
15 boundaries of any an organized weed control and weed seed
16 extermination district.

17 (3) "Noxious weeds" or "weeds" means Canadian thistle
18 (Cirsium arvense (L.) scop.), wild morning glory or bindweed
19 (Convolvulus arvensis L.), whitetop (Lepidium draba L.),
20 leafy spurge (Euphorbia virgata waldst. and kit.), Russian
21 knapweed (Centaurea pteris pallas.), and such other weed--or
22 weeds as may be defined and designated as a noxious weed
23 weeds by the board of county commissioners of each county,
24 subject to the approval of the county extension agent or
25 agricultural experiment station at Montana state university.

(4) "Seed" or "seeds" means the seed of any noxious weed.

(5) "Supervisors" means the three persons appointed by the board of county commissioners to supervise the weed control and weed seed extermination within the county."

Section 14. Section 7-22-2103, MCA, is amended to read:

"7-22-2103. County weed board. (1) The board of county commissioners of each county shall appoint a county weed board consisting of three or five members, and:

(a) if a three-member board, two members shall be rural agricultural landowners residents LANDOWNERS within the county and one member shall be a teacher of biology or a person with comparable expertise; or

(b) if a five-member board, three members shall be rural agricultural landowners residents LANDOWNERS within the county, one from member shall be a resident of a city or town within the county, and one member shall be a teacher of biology or a person with comparable expertise.

(2) The county extension agent in each county shall be is an ex officio member of that county's weed board.

(3) Said the supervisors shall---be are public officers."

Section 15. Section 7-22-2104, MCA, is amended to read:

"7-22-2104. Term of office. The members of the county weed board shall be appointed for a period of 1, 2, and 3 years, respectively, for a three-member board, or should a five-member board be selected, they shall be appointed for 1 and 2-year terms, respectively, dating from the preceding duty and thereafter an appointment or reappointment shall be made annually by the board of county commissioners.

(1) Except as provided in subsection (2), a member of a county weed board serves a term of 3 years and until the qualification of his successor.

(2) When a three-member weed board is established, the initial board members serve terms of 1, 2, and 3 years, respectively, as designated by the commissioners. When a five-member weed board is established, two of the initial members serve terms of 1 year, two serve terms of 2 years, and one serves a term of 3 years. After expiration of an initial term of office, the successor serves a 3-year term as provided in subsection (1)."

Section 16. Section 7-22-2108, MCA, is amended to read:

"7-22-2108. Violations. (1) Any person who in any manner interferes with the weed control commissioners, the weed supervisor, or his supervisors or their deputies and employees in carrying out the provisions of this part or who refuses to obey an order of the a supervisor shall be is

1 notice. Upon the filing of such a petition for dissolution.
 2 the board of county commissioners shall set a time for
 3 hearing the same petition and shall cause notice thereof to
 4 be mailed to all nonresident property owners within the
 5 district whose addresses are known, to be posted in at least
 6 three public places within said the district, and to be
 7 published at least once in the official newspaper of the
 8 county published in the district, such the posting and
 9 publication to be at least 10 days before said the date of
 10 hearing. If Whenever the district is partly in one county
 11 and partly in another county, notice must be posted in each
 12 county, but posting need not be in three places in each
 13 county, and notice must be published in the official
 14 newspaper of each county."
 15 Section 22. Repealer. Section 84-3205, R.C.M. 1947, is
 16 repealed.

-End-